

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

GLENN NICHOLS, an	)	Case No. CV 08-04624 DDP (Ex)
individual,	)	
	)	<b>ORDER TO SHOW CAUSE WHY THIS CASE</b>
Plaintiff,	)	<b>SHOULD NOT BE REMANDED FOR LACK</b>
	)	<b>OF SUBJECT MATTER JURISDICTION</b>
v.	)	
	)	
AVIS BUDGET GROUP, INC., a	)	
corporation,	)	
	)	
Defendant.	)	
_____	)	

The Court orders the Defendant to show cause why this action should not be remanded to state court for lack of subject matter jurisdiction. Plaintiff Glenn Nichols brought action in state court alleging state law claims for employment discrimination based on disability and failure to accommodate his disability. Defendant removed to federal district court on the basis of diversity jurisdiction. A federal court may exercise diversity jurisdiction when there is complete diversity between the parties and the amount in controversy exceeds \$75,000. 28 U.S.C. § 1332.

It is not clear to the Court that the jurisdictional amount in controversy is satisfied. Plaintiff's complaint alleges special,

1 general, and compensatory damages in excess of \$50,000. Defendant  
2 contends that such judgments typically exceed \$75,000.

3 The Court orders the parties to file cross briefs, not to  
4 exceed five pages, by October 27, 2008 to show cause why this  
5 action should not be dismissed for failure to meet the amount in  
6 controversy required for the Court to exercise diversity  
7 jurisdiction. The parties should also deliver a courtesy copy to  
8 chambers, Room 244-J, Second Floor, 312. N. Spring Street, Los  
9 Angeles. The Court notes that the Defendant has the burden of  
10 establishing removal jurisdiction. If a party does not file a  
11 brief, the court will regard the party as not opposing remand of  
12 this matter. A hearing is scheduled on this matter for Monday,  
13 November 10, 2008, at 10:00 a.m.

14 IT IS SO ORDERED.

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16 Dated: September 25, 2008



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DEAN D. PREGERSON  
United States District Judge